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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,359

Applicant(s)

JONES ET AL.

Examiner

SYED BOKHARI

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3, 6-8, 10-15, 17, 20-22, 24-29, 31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 10-15, 17, 20-22, 24-29, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant amendment filed on March 25th, 2008 has been entered. Claims 1, 10, 14 and 21 have been amended. Claims 9, 18-19 and 30 have been cancelled. Claims 1-3, 6-8, 10-15, 17, 20-22, 24-29 and 31-32 are still pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) and in view of Heller (US 2002/0101857 A1).

Jones et al. discloses a communication system to identify devices employing point to point over Ethernet encapsulation with the following features: regarding claim 1, a method of identifying a device comprising (Fig. 1, distributed network, see "utilizes point to point over Ethernet PPPoE" recited in Abstract lines 1-3), receiving a request to establish a Point to Point Protocol over Ethernet (PPPoE) session on behalf of a Local Area Network (LAN) side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0008 lines 9-16), outputting a PPPoE discovery stage packet that comprises a tag identifying the LAN side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0009 lines 1-5), receiving a different request to establish a different PPPoE session on behalf of a different LAN side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0022 lines 1-3 and paragraph 0008 lines 9-16), outputting a different PPPoE discovery stage packet that

comprises a different tag identifying the different LAN side device (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0022 lines 1-3 and paragraph 0009 lines 1-5 on page 1 in Summary), receiving an access concentrator packet responsive to the PPPoE discovery stage packet (Fig. 3, stages of PPPoE discovery, see "PADO packet is received by client 225 in step 306" recited in paragraph 0031 lines 3-5), the access concentrator packet comprising the tag recognizing the tag in the access concentrator packet (Fig. 3, stages of PPPoE discovery, see "packet includes a tag that identifies a product" recited in paragraph 0031 lines 5-9) and communicating the tag from the access concentrator packet to the LAN side device (Fig. 3, stages of PPPoE discovery, see "the Ethernet communication session is then conducted between the client and the server" recited in paragraph 0031 lines 9-14); regarding claim 2, wherein the PPPoE discovery stage packet comprises a PPPoE Active Discovery Initiation packet (Fig. 3, stages of PPPoE discovery, see "active discovery initiation PADI packet" recited in paragraph 0030 lines 8-10); regarding claim 3, further comprising receiving an access concentrator packet responsive to the PPPoE discovery stage packet, the access concentrator packet comprising the tag (Fig. 2, CPE device connected via an IP network to access concentrator, see "device identifier in the tag with a PADR packet" recited in paragraph 0032 lines 1-10); regarding claim 6, wherein the access concentrator packet comprises a PPPoE Active Discovery Offer packet and comprises the tag in an unmodified form (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0009

lines 1-5); regarding claim 7, wherein the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to access concentrator, see “include a tag host-uniq tag” recited in paragraph 0008 lines 7-9);

Jones et al. do not disclose the following features: regarding claim 1, further comprising: enabling a Point to Point Protocol (PPP) session for the LAN side device; and enabling a different Point to Point Protocol (PPP) session for the different LAN side device;

Heller disclose a communications system for achieving PPP mobility via the mobile IP infrastructure with the following features: regarding claim 1, further comprising: enabling a Point to Point Protocol (PPP) session for the LAN side device (Fig. 4, a diagram illustrating a point –to-point communication network according to one embodiment of the present invention which places an L2TP access concentrator (LAC) within customer premises equipment (CPE) device at the location of an end user, see “the PPPoE protocol is utilized to transport the PPP session over an Ethernet local area network (LAN) 102” recited in paragraph 0031 lines 1-8 and paragraph 0035 lines 1-7) and enabling a different Point to Point Protocol (PPP) session for the different LAN side device (Fig. 4, a diagram illustrating a point –to-point communication network according to one embodiment of the present invention which places an L2TP access concentrator (LAC) within customer premises equipment (CPE) device at the location of an end user, see “the PPPoE protocol is utilized to transport the PPP session over an Ethernet local area network (LAN) 102” recited in paragraph 0031 lines 1-8 and paragraph 0035 lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. by sing the features, as taught by Heller, in order to provide enabling a Point to Point Protocol (PPP) session for the LAN side device; and enabling a different Point to Point Protocol (PPP) session for the different LAN side device. The motivation of using these functions is to enhance the system in a cost effective manner.

6. Claims 14-15, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) and in view of Yusko et al. (US 2004/0001496 A1).

Jones et al. discloses a communication system to identify devices employing point to point over Ethernet encapsulation with the following features: regarding claim 14, a device identification system, comprising (Fig. 1, distributed network, see "utilizes point to point over Ethernet PPPoE" recited in Abstract lines 1-3), an access concentrator having a computing platform and an interface operable to facilitate a communicative coupling of a plurality of remote devices to the computing platform (Fig. 2, CPE device connected via an IP network to access concentrator, see "CPE devices 225 are connected to access concentrator " recited in see paragraph 0027 lines 1-4), a second interface communicatively coupled to the computing platform (Fig. 2, CPE device connected via an IP network to access concentrator, see "access concentrator 223 is connected to a database" recited in see paragraph 0028 lines 4-11), operable to

facilitate an outputting of a collection of information representing a PPP session of a first of the plurality of remote devices and a different PPP session of a different one of the plurality of remote devices (Fig. 1, distributed network, see "CPE provided information broadband service provider to identify and manage" recited in paragraph 0022 lines 4-11 on page 2), a Local Area Network (LAN) engine communicatively coupled to the interface and configured to recognize an identification tag in a packet included in a discovery stage of the PPP session, the identification tag identifying a subscriber LAN device communicating the packet via the first of the plurality of remote devices (Fig. 1, distributed network, see "discovery packet having a tag including a device identifier field" recited in paragraph 0012 lines 1-10), wherein the LAN engine is at least partially embodied by a processor accessing a computer-readable medium having computer-readable instructions (Fig.4, an ADSL bridge/router board which incorporates a module configured to transmit a PPPoE active discovery packet including tag, see "board 400 includes a memory control 409 with connecting flash 411 and SDRAM 410" recited in paragraph 0035 lines 1-10), executing the computer-readable instruction to recognize an existence of the tag to identify device identification information contained in the tag (Fig.4, an ADSL bridge/router board which incorporates a module configured to transmit a PPPoE active discovery packet including tag, see "module 415 configured to transmit active discovery packet including tag" recited in paragraph 0034 lines 1-11) and to update a memory associated with a Broadband Remote Access Server to acknowledge the device identification information (Fig. 2, CPE device connected via an IP network to access concentrator, see "access concentrator 223 receives the tag information and

stores the device identifier code in a database" recited in see paragraph 0032 lines 7-13); regarding claim 15, wherein the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a tag host-unique tag" recited in paragraph 0008 lines 7-9); regarding claim 20, further comprising a Broadband Remote Access Server communicatively coupled to the LAN engine (Fig. 2, CPE device connected via an IP network to access concentrator, see "CPE devices 225 are connected to access concentrator" recited in see paragraph 0027 lines 1-4) and operable to maintain information representing the subscriber LAN device (Fig. 1, distributed network, see "access concentrator collects CPE provided information" recited in paragraph 0022 lines 7-11);

Jones et al. do not disclose the following features: regarding claim 14, wherein the access concentrator comprises a cable modem termination system and wherein the access concentrator comprises a digital subscriber line access multiplexer and regarding claim 17, further comprising the first of the plurality of remote devices, wherein the first of the plurality of remote devices comprises an xDSL modem.

Yusko et al. disclose communication system for PPP auto-connect with the following features: regarding claim 14, wherein the access concentrator comprises a cable modem termination system (Fig. 1A-C, schematic diagrams illustrating an exemplary implementation of a distributed network having a CPE adapted to automatically establish a physical transport layer connection with an access concentrator, see "the access concentrator 112 comprises of DSL modem, cable

modem and router etc." recited in paragraph 0021 lines 1-25) and wherein the access concentrator comprises a digital subscriber line access multiplexer (Fig. 1A-C, schematic diagrams illustrating an exemplary implementation of a distributed network having a CPE adapted to automatically establish a physical transport layer connection with an access concentrator, see "the access concentrator 106 comprises of DSL modem and DSLAM" recited in paragraph 0022 lines 1-12) and regarding claim 17, further comprising the first of the plurality of remote devices, wherein the first of the plurality of remote devices comprises an xDSL modem (Fig. 1A-C, schematic diagrams illustrating an exemplary implementation of a distributed network having a CPE adapted to automatically establish a physical transport layer connection with an access concentrator, see "the access concentrator 106 comprises of DSL modem and DSLAM" recited in paragraph 0022 lines 1-12).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. by using the features, as taught by Yusko et al., in order to provide the access concentrator comprises a cable modem termination system and wherein the access concentrator comprises a digital subscriber line access multiplexer and the first of the plurality of remote devices, wherein the first of the plurality of remote devices comprises an xDSL modem. The motivation of using these functions is to enhance the system in a cost effective manner.

7. Claims 21-22, 24, 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) in view of Adcox et al. (US 2003/0236916 A1).

Jones et al. disclose a communication system to identify devices employing point to point over Ethernet encapsulation with the following features: regarding claim 21, a method of identifying remote devices comprising ((Fig. 1, distributed network, see "utilizes point to point over Ethernet PPPoE" recited in paragraph 0008 lines 1-3), receiving a PPPoE packet from a remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0012 lines 2-5), recognizing that the PPPoE packet comprises a tag including information associated with a device communicating via the remote node (Fig. 1, distributed network, see "discovery packet having a tag including a device identifier field" recited in paragraph 0012 lines 5-10), receiving another PPPoE packet from the remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "the CPE receives a PPPoE active discovery session packet" recited in paragraph 0008 lines 9-16), recognizing that the other PPPoE packet comprises a different tag including other information associated with a different device communicating via the remote node (Fig. 2, CPE device connected via an IP network to access concentrator, see "sending a PPPoE active discovery packet" recited in paragraph 0009 lines 1-5) and providing a broadband link at least partially a communicating network node and the remote node (Fig. 2, CPE device connected via

an IP network to access concentrator, see "broadband service provider computing a DSL service required for end users" recited in paragraph 0004 lines 1-10 in background); regarding claim 22, further comprising: associating the remote node with a subscriber; and maintaining subscriber information comprising an identification of the device and the different device (Fig. 2, CPE device connected via an IP network to access concentrator, see "device identifier in the tag with a PADR packet" recited in paragraph 0032 lines 12 on page 2 and lines 3-10); regarding claim 24, wherein the PPPoE packet comprises a PPPoE Active Discovery Initiation (PADI) packet (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a device identifier code" recited in paragraph 0008 lines 3-7); regarding claim 29, wherein the communication network node comprises a Broadband Remote Access Server (Fig. 2, CPE device connected via an IP network to access concentrator, see "CPE devices 225 are connected to access concentrator " recited in paragraph 0027 lines 1-4); regarding claim 31, wherein the tag comprises a sixteen-bit tag (Fig. 6, Ethernet payload for PPPoE, see "session ID field 612 is 16 bits" recited in paragraph 0040 lines 1-2) and regarding claim 32, wherein the tag complies with a Host-Uniq TAG construct described in IETF RFC 2516 (Fig. 2, CPE device connected via an IP network to access concentrator, see "include a tag host-uniq tag" recited in paragraph 0008 lines 7-9).

Jones et al. do not disclose the following features: regarding claim 21, wherein the device is selected from a group consisting of a computer, a wireless access point, a Universal Serial Bus device, a Voice over Internet Protocol telephone, a television, a Set Top Box, a refrigerator, a washing machine, and a home networking device.

Adcox et al. disclose a communication system for Media Access Control address translation for a fiber to the home system with the following features: regarding claim 21, wherein the device is selected from a group consisting of a computer, a wireless access point, a Universal Serial Bus device, a Voice over Internet Protocol telephone, a television, a Set Top Box, a refrigerator, a washing machine, and a home networking device (Fig. diagram illustrating the configuration of fiber to the home (FTTH) system 10 that may be used with the MAC layer address translation, see "the PPPoE session is initiated at the customer's computer" recited in paragraph 0032 lines 1-15).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. by using the features, as taught by Adcox et al., in order to provide the device is selected from a group consisting of a computer, a wireless access point, a Universal Serial Bus device, a Voice over Internet Protocol telephone, a television, a Set Top Box, a refrigerator, a washing machine, and a home networking device. The motivation of using these functions is to enhance the system in a cost effective manner.

8. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) and in view of Kortum et al. (US 2005/0166261 A1).

Jones et al. disclose the claimed limitations as described in the paragraph 5 above.

Jones et al. do not disclose the following features: regarding claim 8, further comprising utilizing a PPPoE client executing at a node at least partially interconnecting a LAN to a

wide area network node to generate the PPPoE discovery stage packet and regarding claim 12, further comprising utilizing a modem device to output the PPPoE discovery stage packet, wherein the modem device is selected from the group consisting of an xDSL modem, a cable modem, a fixed wireless modem, and a satellite modem.

Kortum et al. disclose communication system for network authentication of a data service offering with the following features: regarding claim 8, further comprising utilizing a PPPoE client executing at a node at least partially interconnecting a LAN to a wide area network node to generate the PPPoE discovery stage packet (Fig. 1, illustrating a flow diagram of technique 10 of authenticating an accessing device, see "xDSL modem, cable modem etc. are capable of executing PPPoE client" recited in paragraph 0013 lines 1-7) and regarding claim 12, further comprising utilizing a modem device to output the PPPoE discovery stage packet, wherein the modem device is selected from the group consisting of an xDSL modem, a cable modem, a fixed wireless modem, and a satellite modem (Fig. 1, illustrating a flow diagram of technique 10 of authenticating an accessing device, see "xDSL modem, cable modem etc. are capable of executing PPPoE client" recited in paragraph 0013 lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. by using the features, as taught by Kortum et al., in order to provide utilizing a PPPoE client executing at a node at least partially interconnecting a LAN to a wide area network node to generate the PPPoE discovery stage packet and utilizing a modem device to output the PPPoE discovery stage packet, wherein the modem device is selected from the group consisting of an

xDSL modem, a cable modem, a fixed wireless modem, and a satellite modem. The motivation of using these functions is to enhance the system in a cost effective manner.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) and in view of Nassar (2004/0004968 A1).

Jones et al. disclose the claimed limitations as described in the paragraph 5 above. Jones et al. do not disclose the following features: regarding claim 10, further comprising disabling a Network Address Translation feature in connection with the PPP session.

Nassar disclose a communication system for dynamic simultaneous connection to multiple service providers with the following features: regarding claim 10, further comprising disabling a Network Address Translation feature in connection with the PPP session (Fig. 13, illustrating steps for terminating an application during an active session, see "the router disable the NAT rule (step 1340)" recited in paragraph 0059 lines 1-16).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. by using the features, as taught by Nassar, in order to provide disabling a Network Address Translation feature in connection with the PPP session. The motivation of using this function is to enhance the system in a cost effective manner.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) and in view of Tang et al. (US 2004/0059821 A1).

Jones et al. disclose the claimed limitations as described in the paragraph 5 above. Jones et al. do not disclose the following features: regarding claim 11, further comprising receiving the request via a connection type selected from the group consisting of an Ethernet link, an 802.11 (x) link, a Bluetooth link, a Universal Serial Bus link, and a power line networking link.

Tang et al. disclose a communication system for a point-to-point protocol bridge operating mode with the following features: regarding claim 11, further comprising receiving the request via a connection type selected from the group consisting of an Ethernet link, an 802.11 (x) link, a Bluetooth link, a Universal Serial Bus link, and a power line networking link (Fig. 1, illustrating the overall data communication system, see "upon receiving the request of PPP session from a user terminal 101" recited in paragraph 0064 lines 1-10).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. by using the features, as taught by Tang et al., in order to provide receiving the request via a connection type selected from the group consisting of an Ethernet link, an 802.11 (x) link, a Bluetooth link, a Universal Serial Bus link, and a power line networking link. The motivation of using these functions is to enhance the system in a cost effective manner.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) and in view of Yusko et al. (US 2004/0001496 A1) as applied to claim 1 above, and further in view of Kortum et al. (US 2005/0166261 A1).

Jones et al. and Yusko et al. disclose the claimed limitations as described in paragraphs 5 and 8 above. Yusko et al. also disclose the following features: regarding claim 13, communicatively coupling the modem device and a plurality of other modem devices to an access concentrator node of a wide area network (Fig. 1A-C, schematic diagrams illustrating an exemplary implementation of a distributed network having a CPE adapted to automatically establish a physical transport layer connection with an access concentrator, see "the access concentrator 112 comprises of DSL modem, cable modem and router etc." recited in paragraph 0021 lines 1-25).

Jones et al. and Yusko et al. do not disclose the following features: regarding claim 13, further comprising: utilizing a modem device to output the PPPoE discovery stage packet and the different PPPoE discovery stage packet.

Kortum et al. disclose the following feature: regarding claim 13, further comprising: utilizing a modem device to output the PPPoE discovery stage packet and the different PPPoE discovery stage packet (Fig. 1, illustrating a flow diagram of technique 10 of authenticating an accessing device, see "xDSL modem, cable modem etc. are capable of executing PPPoE client" recited in paragraph 0013 lines 1-7).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. with Yusko et al. by using the features as

taught by Kortum et al., in order to provide utilizing a modem device to output the PPPoE discovery stage packet and the different PPPoE discovery stage packet. The motivation of using this function is to enhance the system in a cost effective manner.

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) in view of Adcox et al. (US 2003/0236916 A1) as applied to claim 21 and 22 above, and further in view of Zhang et al. (US 2007/0159971 A1).

Jones et al. and Adcox et al. disclose the claimed limitations as described in paragraphs 5 and 7 above. Jones et al. and Adcox et al. do not disclose the following features: regarding claim 25, further comprising: altering a cost of using the broadband link in response to recognizing an additional device communicating with the communication network node via the remote node.

Zhang et al. disclose a communication system for broadband access with great capacity with the following features: regarding claim 25, further comprising: altering a cost of using the broadband link in response to recognizing an additional device communicating with the communication network node via the remote node (Fig. 2, schematic diagram of the network architecture of high capacity subscriber access devices, see "the IP sharing among plurality of DSLAMs reduces the cost" recited in paragraph 0042 lines 1-14).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. with Adcox et al. by using the features, as

taught by Zhang et al., in order to provide altering a cost of using the broadband link in response to recognizing an additional device communicating with the communication network node via the remote node. The motivation of using this function is to enhance the system in a cost effective manner.

13. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) in view of Adcox et al. (US 2003/0236916 A1) as applied to claim 21-22 above, and further in view of Adamczyk et al. (US 2005/0015494 A1).

Jones et al. and Adcox et al. disclose the claimed limitations as described in paragraphs 5 and 7 above. Jones et al. and Adcox et al. do not disclose the following features: regarding claim 26, further comprising considering the subscriber information in connection with generating a marketing offer presentable to the subscriber.

Adamczyk et al. disclose a communication system for managing quality of service with the following features: regarding claim 26, further comprising considering the subscriber information in connection with generating a marketing offer presentable to the subscriber available (Fig. 3, a block diagram illustrating the regional access network, see "upgrades to marketing categories and the providers extend the service offering" recited in paragraph 0007 lines 1-10 and paragraph 0456 lines 1-10).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. with Adcox et al. by using the features, as taught by Adamczyk et al., in order to provide considering the subscriber information in

connection with generating a marketing offer presentable to the subscriber. The motivation of using this function is to enhance the system in a cost effective manner.

14. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) in view of Adcox et al. (US 2003/0236916 A1) as applied to claim 21-22 above, and further in view of Angel et al. (US 2004/0044789 A1).

Jones et al. and Adcox et al. disclose the claimed limitations as described in paragraphs 5 and 7 above. Jones et al. and Adcox et al. do not disclose the following features: regarding claim 27, further comprising considering the subscriber information in connection with making a communication network planning decision.

Angel et al. disclose a communication system Dynamic service-aware aggregation of PPP sessions with the following features: regarding claim 27, further comprising considering the subscriber information in connection with making a communication network planning decision (Fig. 2B, illustrating an access network/transport configured by dynamic service selection, see "controlling user bandwidth consumption as well as for network planning and engineering" recited in paragraph 0100 lines 1-2).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. with Adcox et al. by using the features, as taught by Angel et al., in order to provide considering the subscriber information in

connection with making a communication network planning decision. The motivation of using this function is to enhance the system in a cost effective manner.

15. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 2005/0033853) in view of Adcox et al. (US 2003/0236916 A1) as applied to claim 21-22 above, and further in view of Pedersen et al. (2005/0025061 A1).

Jones et al. and Adcox et al. disclose the claimed limitations as described in paragraphs 5 and 7 above. Jones et al. and Adcox et al. do not disclose the following features: regarding claim 28, further comprising receiving a trouble-shooting request from the subscriber; and considering the subscriber information in connection with offering a suggestion responsive to the trouble-shooting request.

Pedersen disclose a communication system for link testing in an Ethernet DSL network with the following features: regarding claim 28, further comprising receiving a trouble-shooting request from the subscriber; and considering the subscriber information in connection with offering a suggestion responsive to the trouble-shooting request (Fig. 2, a simplified functional block diagram of the intermediate node illustrating its connections to the end nodes via different transmission media, see "a customer complaint is received and the response to the complaint is sent" recited in abstract lines 6-11 and paragraph 007 lines 1-14).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Jones et al. with Adcox et al. by using the features, as

taught by Pedersen et al., in order to provide comprising receiving a trouble-shooting request from the subscriber; and considering the subscriber information in connection with offering a suggestion responsive to the trouble-shooting request. The motivation of using this function is to enhance the system in a cost effective manner.

Response to Arguments

16. Applicant's arguments filed March 25th, 2008 have been fully considered but they are not persuasive. Applicant amended the independent claims 1, 14 and 21. The amended claims have been rejected with the references (Fig. 4, a diagram illustrating a point-to-point communication network according to one embodiment of the present invention which places an L2TP access concentrator (LAC) within customer premises equipment (CPE) device at the location of an end user, see "the PPPoE protocol is utilized to transport the PPP session over an Ethernet local area network (LAN) 102" recited in paragraph 0031 lines 1-8 and paragraph 0035 lines 1-7), (Fig. 1A-C, schematic diagrams illustrating an exemplary implementation of a distributed network having a CPE adapted to automatically establish a physical transport layer connection with an access concentrator, see "the access concentrator 112 comprises of DSL modem, cable modem and router etc." recited in paragraph 0021 lines 1-25) and (Fig. diagram illustrating the configuration of fiber to the home (FTTH) system 10 that may be used with the MAC layer address translation, see "the PPPoE session is initiated at the customer's computer" recited in paragraph 0032 lines 1-15) respectively.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED BOKHARI whose telephone number is (571)270-3115. The examiner can normally be reached on Monday through Friday 8:00-17:00 Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Syed Bokhari/

Examiner, Art Unit 2616

7/6/2008

/Kwang B. Yao/

Supervisory Patent Examiner, Art Unit 2616